

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 3246 - HB 3502

March 11, 2012

SUMMARY OF BILL: Entitles children to court-appointed legal counsel representation in proceedings alleging truancy.

ESTIMATED FISCAL IMPACT:

Increase State Revenue - \$237,300/General Fund

Increase State Expenditures – Exceeds \$557,100/Indigent Defense Fund

Increase Local Revenue - \$12,500

Assumptions:

- Under current law, children are entitled to representation by an attorney in any delinquency proceeding and any unruly proceeding that puts the child in danger of being removed from their home.
- According to Administrative Office of the Courts (AOC), this bill will not have a significant impact on the number of caseloads for the juvenile courts.
- AOC will be required to process and distribute payments on an increased number of attorney claims paid from the Indigent Defense Fund.
- In the Tennessee Indigent Expense System (TIES), there have been 93 cases since 2004 in which an attorney was appointed in a truancy case for a child in jeopardy of being removed from his or her home. According to AOC, the average cost for the 93 cases was \$167.25.
- According to AOC, there were 8,327 truancy referrals in 2010. This number is assumed to remain constant under current law.
- At least 40 percent of truants (or a minimum of 3,331) are considered indigent.
- One hundred percent of truant indigents elect to have court appointed attorneys.
- The recurring increase in state expenditures from the Indigent Defense Fund is estimated to exceed \$557,110 (3,331 x \$167.25).
- Of the remaining 4,996 non-indigent truants (8,327 – 3,331), approximately 50 percent (or 2,498) elect to have court-appointed attorneys.
- Pursuant to Tenn. Code Ann. § 37-1-126(c)(1), non-indigent children electing to have court-appointed attorneys will pay a one-time fee between \$50 and \$200. The average fee is estimated to be \$100. The recurring increase in fee revenue is estimated to be \$249,800 (2,498 x \$100).

- Pursuant to Tenn. Code Ann. § 37-1-126(c)(2), local governments retain five percent of the fee as commission; the remaining 95 percent is remitted to the state for deposit to the General Fund.
- The recurring increase in local revenue is estimated to be \$12,490 ($\$249,800 \times 5.0\%$).
- The recurring increase in state revenue is estimated to be \$237,310 ($\$249,800 \times 95.0\%$).
- The remaining 50 percent of non-indigent truants will not elect to have court-appointed attorneys.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" and last name "Geise" clearly distinguishable.

Lucian D. Geise, Executive Director

/jdb